



General Assembly

Substitute Bill No. 902

January Session, 2009

* _____SB00902TRA_____031609_____*

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE CONCERNING THE SAFETY OF TAXICABS AND
LIVERY VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-97 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No person, association, limited liability company or corporation
4 shall operate a taxicab until such person, association, limited liability
5 company or corporation has obtained a certificate from the
6 Department of Transportation certifying that public convenience and
7 necessity require the operation of a taxicab or taxicabs for
8 transportation of passengers, the acceptance or solicitation of which
9 originates within the territory specified in such certificate except as
10 provided under subsection (d) of this section. No such certificate shall
11 be issued unless the department finds that the person, association,
12 limited liability company or corporation is suitable to operate a taxicab
13 service, after giving due consideration to, at a minimum, the following
14 factors: (1) Any convictions of the applicant under federal, state or
15 local laws relative to safety, motor vehicle or criminal violations; (2)
16 the number of taxicabs to be operated under the certificate; (3) the
17 adequacy of the applicant's financial resources to operate the taxicab
18 service; (4) the adequacy of insurance coverage and safety equipment;

19 and (5) the availability of qualified taxicab operators. The
20 commissioner shall request the state criminal history records check for
21 any person or any officer of any association, limited liability company
22 or corporation applying for such certificate from the State Police
23 Bureau of Identification. The commissioner shall arrange for the
24 fingerprinting of any person or any officer of any association, limited
25 liability company or corporation applying for such certificate and
26 forward the fingerprints to said bureau which shall submit the
27 fingerprints to the Federal Bureau of Investigation for a national
28 criminal history records check for any federal conviction specified in
29 subdivision (1) of this subsection. A fee shall be charged by the
30 commissioner for each such national criminal history records check
31 which shall be equal to the fee charged by the Federal Bureau of
32 Investigation for performing such check. Such certificate shall be
33 issued only after written application, fingerprinting and said criminal
34 history records check for the same has been made and public hearing
35 held thereon. The application shall be accompanied by a fee of
36 eighty-eight dollars and the fee for said criminal history records check.
37 Upon receipt of such application, the department shall fix a time and
38 place of hearing thereon and shall promptly give written notice of the
39 pendency of such application and of the time and place of hearing
40 thereon to such applicant, the mayor of each city, the warden of each
41 borough or the first selectman of each town in which the applicant
42 desires to originate the transportation of such passengers, and to any
43 common carrier operating within the territory specified.
44 Notwithstanding any provision of this subsection, [to the contrary,] the
45 department may, upon receipt of a written application, amend an
46 existing certificate to increase the number of taxicabs which may be
47 operated pursuant to the certificate without holding a hearing on the
48 application, provided the department issues a legal notice of such
49 application in a daily newspaper in accordance with the provisions of
50 section 1-2, gives written notice of the pendency of such application to
51 any common carrier operating within the territory specified and no
52 objection is filed with the department within thirty days of each such
53 notice. With respect to any application filed under the provisions of

54 this subsection, the department shall not consider as a ground for
55 denial of a request for an increase in the number of taxicabs to be
56 operated within the territory specified, any number of taxicabs not
57 currently registered with the Commissioner of Motor Vehicles at the
58 time of filing of such application or at the time of any hearing held
59 thereon. Each certificate holder shall pay an annual fee of two hundred
60 dollars per vehicle to cover costs to the department for enforcement of
61 statutory and regulatory provisions applicable to taxicab service
62 certificates.

63 (b) Any town, city or borough within which taxicab service is
64 operated or any interested party may bring a written petition to the
65 department with respect to fares, service, operation or equipment or
66 the convenience, protection and safety of passengers and the public.
67 Thereupon, the department may fix a time and place for a hearing
68 upon such petition, and give written notice thereof to the parties in
69 interest at least one week prior to such hearing.

70 (c) No certificate shall be sold or transferred until the department,
71 upon written application to it setting forth the purpose, terms and
72 conditions thereof, and after investigation, finds that the purchaser or
73 transferee is suitable to operate a taxicab service after consideration of
74 the factors specified in subsection (a) of this section and approves the
75 same. The application shall be accompanied by a fee of eighty-eight
76 dollars. The department may amend or, for sufficient cause shown,
77 may suspend or revoke any such certificate. The department may
78 impose a civil penalty on any person or any officer of any association,
79 limited liability company or corporation who violates any provision of
80 this chapter or any regulation adopted under section 13b-96 with
81 respect to fares, service, operation or equipment, in an amount not to
82 exceed one [hundred] thousand dollars per day for each violation. Any
83 such person, officer, company or corporation shall be prohibited from
84 submitting any applications concerning a taxicab certificate or service
85 to the department for one year following the date of issuance of an
86 administrative hearing decision that such a violation took place. Prior
87 to the imposition of a civil penalty under this subsection, the

88 department shall provide notice to such person or officer not later than
89 fifteen business days after receipt of information concerning an alleged
90 violation and shall provide an opportunity for a hearing. Any such
91 certificate issued by the department shall remain valid unless
92 suspended or revoked by the department. Any such certificate issued
93 by the Division of Public Utility Control within the Department of
94 Business Regulation prior to October 1, 1979, or by any transit district
95 prior to March 1, 1997, shall remain valid unless suspended or revoked
96 by the Department of Transportation.

97 (d) Any person, association, limited liability company or
98 corporation which has obtained a certificate under subsection (a) of
99 this section may solicit, receive and discharge taxicab passengers at
100 Bradley International Airport, subject to formal agreement with the
101 Commissioner of Transportation provided such agreement shall not
102 take precedence over its obligation to provide taxicab service within
103 the territory specified in such certificate. Any such person, association,
104 limited liability company or corporation may discharge taxicab
105 passengers received at such airport within a territory other than the
106 territory specified in its certificate. The commissioner may charge and
107 collect a reasonable fee from any such person, association, limited
108 liability company or corporation for the privilege of solicitation of such
109 passengers.

110 Sec. 2. Section 13b-99 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2009*):

112 (a) Upon the granting of a certificate of public convenience and
113 necessity as provided in section 13b-97, as amended by this act, the
114 holder thereof may apply to the Commissioner of Motor Vehicles for
115 the registration of any taxicab of which he is the owner or lessee and
116 which is to be used as specified in such certificate, and the
117 Commissioner of Motor Vehicles shall have jurisdiction over the
118 registration of any taxicab and its exterior lighting equipment and over
119 the licensing of its operator.

120 (b) Each such taxicab shall be inspected, [biennially, at the time of
121 renewal of registration of such taxicab] annually, by a dealer or
122 repairer [or limited repairer] licensed and authorized by the
123 Commissioner of Motor Vehicles to perform such inspections. The
124 [commissioner] Commissioner of Motor Vehicles shall set a fee for
125 such an inspection. Each taxicab inspected by such dealer or repairer
126 shall be issued an inspection report on a form provided by the
127 Commissioner of Motor Vehicles. The report shall fully identify the
128 taxicab, the date and time of the inspection, the place of inspection, the
129 result of such inspection and any other information required by the
130 Commissioner of Motor Vehicles. The report shall be signed by the
131 dealer or repairer who performed the inspection. The certificate holder
132 shall submit a copy of such report to the Commissioner of
133 Transportation not later than thirty days following such inspection.
134 The Commissioner of Transportation shall review such reports,
135 following up with any certificate holder whose reports are missing or
136 incomplete. The Commissioner of Transportation shall calculate the
137 pass/fail rates of each such dealer and repairer.

138 (c) [The commissioner shall publish a list, semiannually, of all
139 persons holding a class B license whose class B license or registration
140 has been suspended. Such list shall be mailed to each person,
141 association, limited liability company or corporation operating a
142 taxicab pursuant to section 13b-97.] Each certificate holder shall
143 conduct quarterly inspections of all taxicabs covered by such certificate
144 and shall keep a record of each such inspection on a form approved by
145 the Commissioner of Transportation. Such records shall be submitted
146 to the Commissioner of Transportation not later than thirty days
147 following such inspection. The Commissioner of Transportation shall
148 review such records in order to determine if such inspections are being
149 conducted and shall take necessary steps to address any records that
150 have not been submitted. The Commissioner of Transportation shall
151 verify that any documented repairs were performed by inspecting a
152 random sample of such vehicles and comparing the results with such
153 quarterly records. The Commissioner of Transportation shall conduct

154 unannounced inspections of taxicabs, at least quarterly without charge,
155 at any time during normal business hours. Some inspections shall be
156 conducted, jointly, with inspectors of the Department of Motor
157 Vehicles.

158 (d) Notwithstanding the provisions of section 14-10, the
159 Commissioner of Motor Vehicles shall prepare a report containing the
160 names and motor vehicle operator license numbers of each person who
161 has been issued an operator's license with one or more endorsements,
162 authorizing such person to transport passengers in accordance with
163 the provisions of section 14-36a, but whose license or any such
164 endorsement has been withdrawn, suspended or revoked by the
165 Commissioner of Motor Vehicles. The report shall be issued and
166 updated periodically in accordance with a schedule to be established
167 by the Commissioner of Motor Vehicles. Such report may be
168 transmitted or otherwise made available to authorized recipients by
169 electronic means. Each certificate holder for two or more taxicabs shall,
170 at least monthly, review such report to determine whether its drivers
171 continue to be qualified to drive taxicabs. The Department of
172 Transportation shall conduct such reviews for certificate holders for a
173 single taxicab.

174 [(d)] (e) The Commissioner of Motor Vehicles shall adopt
175 regulations, in accordance with chapter 54, to carry out the purposes of
176 this section. Such regulations shall require written records, on a form
177 approved by the commissioner.

178 Sec. 3. Section 13b-103 of the general statutes is repealed and the
179 following is substituted in lieu thereof (*Effective October 1, 2009*):

180 (a) [(1)] No person, association, limited liability company or
181 corporation shall operate a motor vehicle in livery service until such
182 person, association, limited liability company or corporation has
183 obtained a permit from the Department of Transportation, specifying
184 the nature and extent of the service to be rendered and certifying that
185 public convenience and necessity will be improved by the operation

186 and conduct of such livery service. Such permits shall be issued only
187 after a written application for the same has been made and a public
188 hearing has been held thereon.

189 (b) No such permit shall be issued unless the Department of
190 Transportation finds that the person, association, limited liability
191 company or corporation is suitable to operate a livery service, after
192 giving due consideration to, at a minimum, any convictions of the
193 applicant under federal, state or local laws relative to safety, motor
194 vehicle or criminal violations. The Commissioner of Transportation
195 shall request a state criminal history records check for any person or
196 any officer of any association, limited liability company or corporation
197 applying for such permit from the State Police Bureau of Identification.
198 The commissioner shall arrange for the fingerprinting of any person or
199 any officer of any association, limited liability company or corporation
200 applying for such permit and forward the fingerprints to said bureau
201 which shall submit the fingerprints to the Federal Bureau of
202 Investigation for a national criminal history records check for any
203 federal conviction specified in this subsection. A fee shall be charged
204 by the commissioner for each such national criminal history records
205 check which shall be equal to the fee charged by the Federal Bureau of
206 Investigation for performing such check. Such permit shall be issued
207 only after written application, fingerprinting and said criminal history
208 records check for the same has been made and public hearing held
209 thereon. The application shall be accompanied by a fee of two hundred
210 dollars and the fee for said criminal history records check. Upon
211 receipt of such application [together with the payment of a fee of two
212 hundred dollars] and fees, the department shall fix a time and place of
213 hearing thereon, within a reasonable time, and shall promptly give
214 written notice of the pendency of such application and of the time and
215 place of such hearing to each applicant, the mayor of each city, the
216 warden of each borough and the first selectman of each town, within
217 which any such applicant desires to maintain an office or
218 headquarters, to any carrier legally operating motor vehicles in livery
219 service within the same territory and to other interested parties as

220 determined by the department.

221 [(2)] (c) Notwithstanding the provisions of [subdivision (1) of this
222 subsection] subsection (a) of this section, the department may issue a
223 permit for the operation of vehicles (A) having a capacity of less than
224 eleven adults or to be used exclusively at funerals, weddings,
225 christenings, processions or celebrations, without holding a hearing
226 and certifying that public convenience and necessity would be
227 improved by the operation of such vehicles, or (B) having a capacity of
228 not less than eleven or more than fourteen adults and used for
229 sightseeing and related purposes, without holding a hearing, provided
230 the department issues a legal notice, as provided under section 1-2, of
231 such application and no objection is filed with the department within
232 thirty days of publication of such notice.

233 [(3)] (d) Notwithstanding the provisions of [subdivision (1) of this
234 subsection] subsection (a) of this section, the department may issue a
235 temporary or permanent permit to any person, association, limited
236 liability company or corporation operating a motor vehicle engaged in
237 the transportation of passengers for hire by virtue of a contract with, or
238 a lower tier contract for, any federal, state or municipal agency that (A)
239 is in effect on July 1, 1997, with or without hearing, after a written
240 application for the same has been made and the department has
241 determined that the applicant meets the requirements of subsection
242 [(b)] (g) of this section except with respect to public convenience and
243 necessity, or (B) becomes effective after July 1, 1997, with or without
244 hearing, after a written application for the same has been made and the
245 department has determined that the applicant meets the requirements
246 of subsection [(b)] (g) of this section. Any such permit issued under the
247 provisions of this [subdivision (i)] subsection shall be limited to service
248 provided under any such contract, and [(ii)] with respect to any
249 contract under the provisions of [subparagraph (A) of this subdivision]
250 subsection (a) of this section, shall not authorize a total number of
251 motor vehicles exceeding the number required to provide service
252 existing under such contract on July 1, 1997. [(4)] Notwithstanding the
253 provisions of [subdivision (1) of this subsection] subsection (a) of this

254 section, the department shall issue to any person who has an intrastate
255 livery permit for at least one year, upon the application of such person,
256 up to two additional vehicle authorizations each year without a
257 hearing and without written notice of the pendency of the application,
258 if all the existing permits held by such person are registered and in use
259 and if there are no outstanding violations or matters pending
260 adjudication against such person. The department shall have thirty
261 calendar days to issue such amended permit.

262 (e) Each newly registered livery vehicle, regardless of capacity, shall
263 be inspected by the Department of Motor Vehicles. Each livery vehicle
264 shall be inspected, biennially, by a dealer or repairer licensed and
265 authorized by the Commissioner of Motor Vehicles to perform such
266 inspections. The commissioner shall set a fee for such an inspection.
267 Each livery vehicle inspected by such dealer or repairer shall be issued
268 an inspection report on a form provided by the commissioner. The
269 report shall fully identify the vehicle, the date and time of the
270 inspection, the place of inspection, the result of such inspection, and
271 any other information required by the commissioner. The report shall
272 be signed by the dealer or repairer who performed the inspection. No
273 registration of a livery vehicle shall be renewed unless such biennial
274 inspection reports have been submitted to the commissioner.

275 (f) The Commissioner of Transportation shall conduct unannounced
276 inspections, at least annually, of livery vehicles, without charge, at any
277 time during normal business hours. Some inspections shall be
278 conducted, jointly, with inspectors of the Department of Motor
279 Vehicles. Each livery service permit holder shall pay an annual fee of
280 two hundred dollars per vehicle to cover costs to the department for
281 enforcement of statutory and regulatory provisions applicable to livery
282 service permits. Notwithstanding the provisions of section 14-10, the
283 Commissioner of Motor Vehicles shall prepare a report containing the
284 names and motor vehicle operator license numbers of each person who
285 has been issued an operator's license with one or more endorsements,
286 authorizing such person to transport passengers in accordance with
287 the provisions of section 14-36a, but whose license or any such

288 endorsement has been withdrawn, suspended or revoked by the
289 commissioner. The report shall be issued and updated periodically in
290 accordance with a schedule to be established by the commissioner.
291 Such report may be transmitted or otherwise made available to
292 authorized recipients by electronic means. Each permit holder for two
293 or more livery vehicles shall, at least monthly, review such report to
294 determine whether its drivers continue to be qualified to drive livery
295 vehicles. The Department of Transportation shall conduct such reviews
296 for permit holders for a single livery vehicle.

297 ~~[(b)]~~ (g) In determining whether or not such a permit will be
298 granted, the Department of Transportation shall take into
299 consideration the present or future public convenience and necessity
300 for the service the applicant proposes to render, the suitability of the
301 applicant or the suitability of the management if the applicant is a
302 limited liability company or corporation, the financial responsibility of
303 the applicant, the ability of the applicant efficiently and properly to
304 perform the service for which authority is requested and the fitness,
305 willingness and ability of the applicant to conform to the provisions of
306 this chapter and the requirements and regulations of the department
307 under this chapter.

308 ~~[(c)]~~ (h) Any interested party may bring a written petition to the
309 Department of Transportation in respect to fares, service, operation or
310 equipment, or the convenience, protection and safety of the public
311 with regard to any carrier operating a motor vehicle in livery service.
312 Thereupon, the department may fix a time and place for a hearing
313 upon such petition and give notice thereof. No permit shall be sold or
314 transferred until the department, upon written application to it setting
315 forth the purpose, terms and conditions thereof and accompanied by a
316 fee of two hundred dollars, after investigation, approves the same. The
317 department may amend or, for sufficient cause shown, may suspend
318 or revoke any such permit. The department may impose a civil penalty
319 on any person or any officer of any association, limited liability
320 company or corporation who violates any provision of this chapter or
321 any regulation adopted under section 13b-102 with respect to fares,

322 service, operation or equipment, in an amount not to exceed one
323 thousand dollars per day for each violation. Any such person, officer,
324 company or corporation shall be prohibited from submitting any
325 applications concerning a livery vehicle permit to the department for
326 one year following the date of issuance of an administrative hearing
327 decision that such a violation took place. Prior to the imposition of a
328 civil penalty under this subsection, the department shall provide notice
329 to said person or officer no later than fifteen business days after receipt
330 of information concerning an alleged violation and shall provide an
331 opportunity for a hearing.

332 [(d)] (i) The owner or operator of each motor vehicle in livery
333 service shall display in such vehicle such permit or a memorandum
334 thereof.

335 [(e)] (j) Any person who holds him or herself out to be the operator
336 of a motor vehicle in livery service who has not received a permit
337 under this section or with the intent to injure or defraud another shall
338 be guilty of a class B misdemeanor.

339 Sec. 4. Subsection (d) of section 14-100a of the general statutes is
340 repealed and the following is substituted in lieu thereof (*Effective*
341 *October 1, 2009*):

342 (d) (1) Any person who transports a child six years of age and under
343 or weighing less than sixty pounds, in a motor vehicle on the highways
344 of this state shall provide and require the child to use a child restraint
345 system approved pursuant to regulations adopted by the Department
346 of Motor Vehicles in accordance with the provisions of chapter 54. Any
347 person who transports a child seven years of age or older and
348 weighing sixty or more pounds, in a motor vehicle on the highways of
349 this state shall either provide and require the child to use an approved
350 child restraint system or require the child to use a seat safety belt. As
351 used in this subsection, "motor vehicle" does not mean a bus having a
352 tonnage rating of one ton or more. Failure to use a child restraint
353 system shall not be considered as contributory negligence nor shall

354 such failure be admissible evidence in any civil action.

355 (2) Any person who transports a child under one year of age or
356 weighing less than twenty pounds in a motor vehicle on the highways
357 of this state shall provide and require the child to ride rear-facing in a
358 child restraint system approved pursuant to regulations that the
359 Department of Motor Vehicles shall adopt in accordance with the
360 provisions of chapter 54.

361 (3) Notwithstanding the provisions of subdivision (1) of this
362 subsection, any person who transports a child four years of age or
363 older in a student transportation vehicle, as defined in section 14-212,
364 on the highways of this state shall either provide and require the child
365 to use an approved child restraint system or require the child to use a
366 seat safety belt. Any person who transports a child under four years of
367 age weighing less than forty pounds in a student transportation
368 vehicle on the highways of this state shall provide and require the
369 child to use a child restraint system approved pursuant to regulations
370 adopted by the Department of Motor Vehicles in accordance with the
371 provisions of chapter 54.

372 (4) No person shall restrain a child in a booster seat unless the motor
373 vehicle is equipped with a safety seat belt that includes a shoulder belt
374 and otherwise meets the requirement of subsection (b) of this section.

375 (5) Any person who violates the provisions of subdivision (1), (2),
376 (3) or (4) of this subsection shall, for a first violation, have committed
377 an infraction; for a second violation, be fined not more than one
378 hundred ninety-nine dollars; and, for a third or subsequent violation,
379 be guilty of a class A misdemeanor. The commissioner shall require
380 any person who has committed a first or second violation of the
381 provisions of this subsection to attend a child car seat safety course
382 offered or approved by the Department of Motor Vehicles. The
383 commissioner may, after notice and an opportunity for a hearing,
384 suspend for a period of not more than two months the motor vehicle
385 operator's license of any person who fails to attend or successfully

386 complete the course.

387 (6) As used in this subsection "person" shall not include the operator
 388 of a taxicab and "motor vehicle" shall not include a taxicab.

389 Sec. 5. (*Effective from passage*) Not later than July 1, 2009, the
 390 Commissioner of Transportation shall employ or reassign the
 391 equivalent of two additional full-time employees to work in the
 392 Regulatory and Compliance Unit, at least one of whom shall be an
 393 inspector.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	13b-97
Sec. 2	<i>October 1, 2009</i>	13b-99
Sec. 3	<i>October 1, 2009</i>	13b-103
Sec. 4	<i>October 1, 2009</i>	14-100a(d)
Sec. 5	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In section 3(b), the reference to "subsection (a) of this section" was changed to "this subsection" for accuracy.

PRI *Joint Favorable Subst. C/R*

TRA

TRA *Joint Favorable Subst.-LCO*